APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/954,596	09/12/2001	Anton Gunzinger	FREI P033US-2	8857

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EXAMINER
ELLIS, RICHARD L

ART UNIT	PAPER NUMBER
2183	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

Office Action Summary

	Application No.	Applicant(s)
	09/954,596	Gunzinger, Anton
	Examiner	Group Art Unit
	Richard Ellis	2183

--The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address--

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE <u>3 (Three)</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) Months from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on <u>Jan. 23, 2002.</u>
- ☐ This action is FINAL
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) <u>16-25.</u> is/are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) <u>16-25.</u> is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119(a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
  - ☐ received
  - ☐ received in Application No. (Series Code/Serial Number) _____.
  - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - *Certified copies not received: _____.

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). <u>3, 5.</u>
- ☒ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

1.   Claims 16-25 are presented for examination.

2.   The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The current title is imprecise.

3.   Claims 16-20 are rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A)   The scope of meaning of the following terms are unclear:

1.   "each communications manager comprising predefined values" claims 16 and 21. It is unclear how a piece of hardware, i.e., the "communications manager" can comprise (i.e., be made up on, be created from) "predefined values". A communications manager can <u>contain</u> or can be <u>assigned</u> a predefined value, but it can not itself be "comprised" of those predefined values.

4.   The following is a quotation of the appropriate paragraphs of 35 USC § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b)   the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5.   The following is a quotation of the appropriate paragraphs of 35 USC § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e)   the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

6.   This application currently names joint inventors. In considering patentability of the claims under 35 USC § 103, the Examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the Examiner to consider the applicability of potential 35 USC § 102(f) or (g) prior art under 35 USC § 103.

7.   The following is a quotation of 35 USC § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

8.   Claims 16-25 are rejected under 35 USC 102(b) as being clearly anticipated by

Brantley, Jr. et al., U.S. Patent 4,980,822.

Brantley, Jr. et al. taught (e.g. see figs. 1-8) the invention as claimed (as per claim 16), including a data processing ("DP") system comprising:

A)   a method of operating a parallel computer system (fig. 1) having at least first and second processor elements (20), each processor element comprising a processor (fig. 2, 22), a local program memory (26, 30), a local data memory (26, 30), a communications manager (24, 28), and an operating system (inherent), within each processor element the local program memory, local data memory, and communications manager all communicatively coupled by means of a common bus (fig. 8); the communications managers of the t least first and second processor elements communicative coupled by means of a message-passing communications network (fig. 1, 10); the processor elements each executing an application (inherent); each communications manager further having predefined values indicative of global addresses in which the application of the processor element is interested (fig. 7, "NODE #"); the method comprising the steps of;

B)   writing, by the processor of the first processor element, by means of the common bus of the first processor element, a result of a computation into the communications manager of the first processor element (col. 4 lines 56-60);

C)   adding, by the communications manager, a global address to the result of the computation (fig. 7, "NODE #");

D)   propagating, on the message-passing communications network (fig. 1, 10), a message comprising the global address and the result of the computation (col. 8 lines 36-39, lines 47-68, col. 9 lines 31-37 and 55-60);

E)   receiving the message, via the message-passing communications network (fig. 1, 10), by the communications manager of the second processor element (col. 9 lines 45-54);

F)   comparing, by the communications manager of the second processor element, the global address with the predefined values for a match (col. 9 lines 22-25, 45-54); and,

G)   in the event of a match, computing a local address by the communications manager of

the second processor element, and storing the results of the computation at the local

address via the common bus to the local data memory (col. 9 lines 45-49 , 51-54, and

65-68).

9.   As to claim 17, Brantley, Jr. et al. taught that the predefined values were further

characterized as comprising an address window, each window comprising an initial address

and an end address, a match comprising the global address falling between the initial address

and the end address (col. 5 lines 10-21).

10.   As to claim 18, Brantley, Jr. et al. taught that computing a local address comprised

adding an offset of one or more bits to the global address, yielding the local address (fig. 7,

248).

11.   As to claim 19, Brantley, Jr. et al. taught computing a local address comprised

replacing more or more bits of the global address by a vase value, yielding the local address

(fig. 7, 244, 246).

12.   As to claim 20, Brantley, Jr. et al. taught that the propagating step comprised

propagating the message to a number of processor elements, the number comprising less than

all and more than one of the processor elements (fig. 1, col. 8 lines 35-69).

13.   As to claims 21-25, they do not teach or define above the invention claimed in claims

16-20 and are therefore rejected under Brantley, Jr. et al. for the same reasons set fourth in the

rejection of claims 16-20, supra. As to claim 21's additional limitation of the local data

memories of the first and second processing unit not on a common bus, as it clearly seen from

figs. 1 and 2, local memory 30 of NODE 0 is not connected to a bus in common with local

memory 30 of NODE n, but is instead connected through a network/storage interface unit 28

to a network 10 for communication between nodes as described in the text of the patent.

14.   The prior art made of record and not relied upon is considered pertinent to Applicant's

disclosure.

15.   A shortened statutory period for response to this action is set to expire 3 (three) months

and 0 (zero) days from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 USC 133, MPEP 710.02, 710.02(b)).

16.   Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Richard Ellis whose telephone number is (703) 305-9690. The Examiner can normally be reached on Monday through Thursday from 7am to 5pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Eddie Chan, can be reached on (703) 305-9712. The fax phone numbers for this Group are: After-final: (703) 746-7238; Official: (703) 746-7239; Non-Official/Draft: (703) 746-7240.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Richard Ellis
Primary Examiner
Art Unit 2183

Richard Ellis
June 27, 2002